

## **DIRECTIVE ON ALCOHOL COMPLIANCE CHECKS (“STINGS”)**

**STATEMENT** – This directive shall apply to all Framingham Police Department personnel conducting alcohol compliance checks known as “Underage Sting Operations”. The following guidelines are in accordance with the Alcohol Bureau Control Commission’s recent decisions involving the use of alcohol compliance checks. The absence of these written guidelines creates a rebuttable presumption of entrapment.

The purpose of an underage sting operation is educational in nature foremost and the method of operation should reflect that purpose.

### **PROCEDURES**

- 1.) A notice of intent to conduct an underage compliance check or sting operation will be announced in the local media prior to the start date.
- 2.) **The underage operative:**
  - Should reasonably look their age. Efforts to make them appear older shall be avoided.
  - Should have no criminal involvement with any police department, and should not be a relative or close friend of any department member.
  - Shall be provided training on the guidelines for conducting such operatives prior to any involvement.
  - Will not carry any forms of identification on their persons during the operation and will be searched prior.
  - Will possess only cash supplied by the police department.
  - Shall enter licensed premise under the observation of investigator and attempt purchase and exit premise under the observation of the investigator when at all possible. The underage operative should be asked prior to entering liquor establishment if there is any prior knowledge of this establishment.

- Will not be put in any unsafe situation and will be instructed to immediately exit the premise if he/she feels the need to do so.
  - Will not wear or exhibit clothing that indicates any law enforcement affiliation and under no circumstances can any weapons be carried by underage operative.
- 3.) The underage operative will attempt to purchase an alcoholic beverage after entering licensed establishment. They should attempt to purchase the same thing at each location.
- 4.) The underage operative will point out the person who made the illegal sale so they can be identified and interviewed.
- 5.) The Underage Operative **will not**:
- Misrepresent his/her age or provide any identification.
  - Engage in action or conversation in an attempt to induce a sale by representing themselves to be of legal age.
  - Consume any alcoholic beverage.
- 6.) A separate file for each operative involved in the operation will be created and ultimately maintained by the License Bureau Commander. This file will contain a photo of the operative taken at the beginning of each operation, a signed release form, breath test results if conducted and a signed set of guidelines. All will be conducted prior to the start of each operation.
- 7.) If the underage operative is served at an on-premise establishment (restaurant/bar), the underage person shall pay for drink and remain on the premise for a period of time instructed by the police investigator. They then should exit the premise without the beverage.
- 8.) If served at an off-premise establishment (liquor store) the underage person should pay for beverage then carry the Alcoholic beverage out to the investigator.
- 9.) A “Sting” report will be completed by investigator and underage operative after leaving each establishment.
- 10.) The investigating officer conducting the operation will notify each establishment of the results of the operation upon conclusion by official department letter.

- 11.) Whenever possible, the “sting” compliance checks will be conducted on all similar licensed premises. No unwarranted targeting of establishments is permitted.
- 12.) The safety and welfare of all underage participants will be the utmost importance to the investigator.
- 13.) In order to address the issue of doormen carding patrons prior to entry into establishment it may be necessary that a false identification be provided to operative to gain entry into establishment in order to properly check bar staff for compliance. If this procedure is required the sale must be observed by officer to ensure false identification isn’t used to obtain the alcohol at bar.

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(underage operative)

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(date)

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(investigator)

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(date)